

HOUSE BILL No. 1243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9-23-33.

Synopsis: Sewer liens. Provides that the municipal officer responsible for collecting municipal sewer fees may record and certify liens relating to delinquent sewer fees not more often than quarterly.

Effective: July 1, 2003.

Ayres, Stevenson

January 13, 2003, read first time and referred to Committee on Local Government.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1243

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-9-23-33, AS AMENDED BY P.L.171-2002,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 33. (a) An officer described in subsection (b) may
4 defer enforcing the collection of unpaid fees and penalties assessed
5 under this chapter until the unpaid fees and penalties have been due
6 and unpaid for at least ninety (90) days.

7 (b) Except as provided in subsection (1), the officer charged with the
8 collection of fees and penalties assessed under this chapter shall
9 enforce their payment. As often as the officer determines is necessary
10 in a **but not more often than once each** calendar ~~year~~, **quarter**, the
11 officer shall prepare **either of the following**:

12 (1) A list of the delinquent fees and penalties that are enforceable
13 under this section, which must include the **following**:

14 (A) **The** name or names of the owner or owners of each lot or
15 parcel of real property on which fees are delinquent.

16 (B) A description of the premises, as shown by the records of
17 the county auditor. ~~and~~



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(C) ~~The~~ amount of the delinquent fees, together with the penalty. ~~or~~

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

(c) The officer shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording ~~it the list or each individual instrument~~ in accordance with the fee schedule established in IC 36-2-7-10. The officer shall then mail to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. Except for a county having a consolidated city, a service charge of five dollars (\$5), which is in addition to the recording fee charged under this subsection and under subsection (f), shall be added to each delinquent fee that is recorded.

(d) This subsection applies only to a county containing a consolidated city. Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), the officer shall certify to the county auditor a list of the liens that remain unpaid according to a schedule agreed upon by the county treasurer and the officer for collection with the next cycle's property tax installment. The county and its officers and employees are not liable for any material error in the information on the list.

(e) Using the lists and instruments prepared under subsection (b) and recorded under subsection (c), ~~after September 1 of the preceding calendar year and before September 1 of the current calendar year,~~ the officer shall, ~~before December 15 of each year~~ **not later than ten (10) days after the list or each individual instrument is recorded under subsection (c),** certify to the county auditor a list of the liens that remain unpaid for collection in the next May. The county and its officers and employees are not liable for any material error in the information on this list.

(f) The officer shall release any recorded lien when the delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

(g) On receipt of the list under subsection ~~(d)~~ or (e), the county auditor of each county ~~(excluding a county having a consolidated city)~~ shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which fees are delinquent, which fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due ~~no~~

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1 **not** later than the due date of the next May installment of property
 2 taxes. ~~However,~~ In a county having a consolidated city, the delinquent
 3 fees, penalties, service charges, and recording fees are due not later
 4 than the due date of the next installment of property taxes. The county
 5 treasurer shall then include any unpaid charges for the delinquent fee,
 6 penalty, service charge, recording fee, and certification fee to the owner
 7 or owners of each lot or parcel of property, at the time the next cycle's
 8 property tax installment is billed.

9 (h) After ~~the date of certification in each year, of liens under~~
 10 **subsection (e)**, the officer may not collect or accept delinquent fees,
 11 penalties, service charges, recording fees, or certification fees from
 12 property owners whose property has been certified to the county
 13 auditor. This subsection does not apply to a county containing a
 14 consolidated city.

15 (i) If a delinquent fee, penalty, service charge, recording fee, and
 16 certification fee are not paid, they shall be collected by the county
 17 treasurer in the same way that delinquent property taxes are collected.

18 (j) At the time of each semiannual tax settlement, the county
 19 treasurer shall certify to the county auditor all fees, charges, and
 20 penalties that have been collected. The county auditor shall deduct the
 21 service charges and certification fees collected by the county treasurer
 22 and pay over to the officer the remaining fees and penalties due the
 23 municipality. The county treasurer shall retain the service charges and
 24 certification fees that have been collected, and shall deposit them in the
 25 county general fund.

26 (k) Fees, penalties, and service charges that were not recorded
 27 before a recorded conveyance shall be removed from the tax roll for a
 28 purchaser who, in the manner prescribed by section 32(d) of this
 29 chapter, files a verified demand with the county auditor.

30 (l) A board may write off a fee or penalty under subsection (a) that
 31 is for less than forty dollars (\$40).

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